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TRANSMITTAL LETTER (General - Patent Pending)	Docket No. 3829.02-1

In Re Application Of: **WILLIAM J. WECHTER, ET AL.**

Application No.	Filing Date	Examiner	Customer No.	Group Art Unit	Confirmation No.
10/734,687	12/11/2003	PAUL C. MARTIN	23308	1655	1208

Title: **METHODS FOR SCREENING COMPOUNDS FOR USE IN THE TREATMENT OF DISEASE**

COMMISSIONER FOR PATENTS:

Transmitted herewith is:

1. **TRANSMITTAL LETTER;**
2. **RESPONSE TO RESTRICTION REQUIREMENT DATED MAY 5, 2006 (2 PAGES); AND**
3. **POSTCARD.**

in the above identified application.

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Dated: **MAY 24, 2006**

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Signature Melinda Tompkins **Date** May 24, 2006.

Name: MELINDA TOMPKINS

PATENTS
Attorney Docket No. 3829.02-1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
William J. Wechter, *et al.*

Serial No.: 10/734,687 Group Art Unit: 1655

Filed: December 11, 2003 Examiner: Paul C. Martin

Title: Methods for Screening Compounds for Use in the Treatment of Disease

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Response to Restriction Requirement

This is responsive to the Restriction Requirement in the Office Action dated May 5, 2006, from the U.S. Patent and Trademark Office in the above-identified patent application.

Restriction was required under 35 U.S.C. §121 to one of the following inventions:

Group I – Claims 1-11 and 30, drawn to a method for screening a compound, classified in class 435, subclass 7.1.

Group II – Claims 12-22, 31 and 32, drawn to a method for screening a small organic compound, classified in class 435, subclass 7.21.

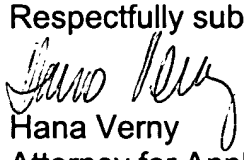
Group III – Claims 23-29 and 33, drawn to a method for screening a small organic compound, classified in class 435, subclass 6.

In response thereto and as required in the Restriction Requirement, Applicant elects Group I, namely, claims 1-11 and 30, with traverse.

The Examiner indicated that the various inventions are distinct. Accordingly, the Examiner has determined that the inventions of the various groups are separately patentable over one other. According to M.P.E.P. 802.01 the term "distinct" means that two or more subjects as disclosed are related, for example, as combination and part (subcombination) thereof, process and apparatus for its practice, process and product made, etc., but are capable of separate manufacture, use, or sale as claimed, AND ARE PATENTABLE (novel and unobvious) OVER EACH OTHER (emphasis in original). Accordingly, the restriction requirement necessarily involved the Examiner's determination at least implicitly that the inventions of the various groups are separately patentable over one other. If this were not the case, then the restriction requirement would not be appropriate.

Furthermore, it follows from the above that art (if such art exists) indicating that the invention of one of the groups is known or would have been obvious would not extend to a holding that the invention of the other group is known or would have been obvious. For example, art that might anticipate or render obvious a method for screening a small organic compound as set forth in Claim 12, and those claims depending therefrom, would not render known or obvious a method for screening a compound as set forth in Claim 1, and those claims depending therefrom, or vice versa. Again, if this were not the case, then the restriction requirement with respect to those claims would not be proper. The above analysis applies equally to the claims of the other groups.

Respectfully submitted,



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